

additional non-incumbent LEC carriers. Since the purpose of those rules was to ameliorate the threat of anticompetitive conduct by the BOCs stemming from their control of the local exchange network, there is no reason to apply them to carriers with no control over the local exchange market.³² They should be applied, however, to all incumbent LECs over a certain threshold size, since the LECs have the same control over local exchange services in their territories that the BOCs do in theirs.

G. Availability of Subscriber List Information

The Commission is correct in interpreting Section 222(e) -- which requires carriers offering exchange service to provide subscriber list information (SLI) on reasonable terms and conditions for the purpose of publishing directories -- to apply to any telecommunications carrier, not just LECs, to the extent such carrier provides telephone exchange service. The SLI requirement was intended to apply to "any provider of local telephone service" to ensure that independent publishers have access to SLI.³³

The Commission also solicits comments as to what regulations may be necessary to implement Section 222(e), particularly regarding "the type and/or categories of information that must be

³² See, e.g., Computer III Phase I Order, 104 FCC 2d at 998-1002, 1010-12, 1018-21 & n. 175 (CPNI and other nonstructural safeguards might no longer be necessary if AT&T or BOCs lose bottleneck control).

³³ Joint Explanatory Statement at 205.

made available" and "the format in which [SLI] should be provided," as well as regulations that may be necessary to implement the requirement that SLI be provided "on a timely and unbundled basis, under nondiscriminatory and reasonable rates, terms, and conditions.'" ³⁴ Attachment A specifies how MCI believes SLI should be defined, organized and formatted, including the categories of information that should be included and the frequency of updates. Briefly summarized, SLI must be made available in an electronic format, with daily updates, and with all the identifying notations LECs currently have in their databases. The Commission should require exchange carriers to provide immediate notice of all changes, additions, and deletions of SLI as they accept that information. Finally, MCI notes that SLI should not include advertising in a graphic form, such as a graphic advertisement in the Yellow Pages, but standard Yellow Pages listings should be included in SLI.

Carriers providing SLI under this provision should be required to do so on terms and at rates established in the same manner as the terms and rates for unbundled network elements made available under the new Sections 251 and 252 of the Communications Act. In its comments in the Local Competition Implementation proceeding, MCI has proposed that rates for network elements made available under Sections 251 and 252 be set

³⁴ NPRM at ¶¶ 44-45.

at Total Service Long Run Incremental Cost (TSLRIC), as explained and applied in a study by Hatfield Associates attached to MCI's comments.³⁵ SLI should similarly be priced at no greater than TSLRIC.

The Commission also asks what "safeguards may be necessary to ensure that a person seeking [SLI] is doing so for the specified purpose of 'publishing directories.'"³⁶ MCI shares the Commission's concern that SLI be used only for legitimate purposes. However, allowing LECs to demand "authorization" before providing the information or requiring written requests would be far too cumbersome. LECs, in the guise of consumer protection, might stonewall competitors' legitimate efforts to obtain SLI, and small, independent publishers in particular might refrain from asking for SLI because of the threat of having to go through a costly authorization process. Parties should be allowed to request SLI orally without having to pass any "authorization test," especially since SLI does not raise the same privacy concerns as CPNI.

Where another carrier requests SLI for the purpose of publishing a directory, the requesting carrier also ought to be able to use the data for any other purpose to which such

³⁵ See Comments of MCI Telecommunications Corporation at 59-72 and Attachment 1, Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98 (filed May 16, 1996).

³⁶ NPRM at ¶ 46.

directory information may be put, including marketing. Otherwise, carriers securing SLI for publication in a directory would be in the strange position of being the only entities precluded from making normal use of their own directory information. Moreover, the Commission should make it clear that the directory for which SLI is obtained may be published "in any format," including electronic or on-line.³⁷

Finally, the Commission should make it clear that carriers' SLI obligations under Section 222(e) are in addition to, and do not necessarily satisfy, their obligations under Sections 251 and 252 to provide nondiscriminatory access to network elements, including "subscriber numbers" and "databases," on an unbundled basis to any requesting carrier.³⁸ Competitive carriers' interconnection needs and directory publishers' needs may be very different, requiring different subscriber information in a different format.

H. Alarm Monitoring Procedures

Section 275(d) prohibits LECs from recording or using "the occurrence or content of calls received by providers of alarm

³⁷ As the Commission explains in the NPRM, at ¶ 44, such an electronic directory still would not constitute "electronic publishing" within the meaning of the new Section 274 of the Communications Act, since it would come under the "directory" exception in Section 274(h)(2)(I).

³⁸ See especially Section 3 of the 1996 Act, adding a new subsection 45 to Section 3 of the Communications Act, and the new Section 251(c)(3) of the Communications Act.

monitoring services for the purposes of marketing such services on behalf of such [LECs], or any other entity." MCI concurs with the Commission's tentative conclusion that a customer's approval to disclose or use CPNI under Section 222(c)(1) cannot be extended to cover data concerning the occurrence of calls to alarm monitoring services. Thus, such data could not ever be used or disclosed, even if the alarm service appeared to approve such disclosure. Other than that conclusion, MCI does not believe that any additional specific rules are required on this topic. Call occurrence data will be part of the CPNI that should be maintained in password-restricted databases by LECs, as discussed above, and LECs should not be recording or monitoring the content of calls to any subscribers in any event.

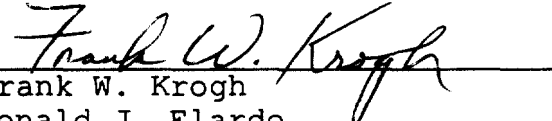
Conclusion

In order to promote the customer privacy and competitive goals of Section 222, the Commission should promulgate rules consistent with these comments.

Respectfully submitted,

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ATTACHMENT A

SUBSCRIBER LIST INFORMATION STANDARDS
ATTACHMENT A

I. SUBSCRIBER LIST INFORMATION REQUIREMENTS: Carriers should be required to provide the following types of information:

1. List of NPA-NXXs relating to the listing records being provided.
2. List of Directory Section names and their associated NPA-NXXs.
3. List of Community Names expected to be associated with each of the NPA-NXXs for which listing records will be provided.
4. List of Independent Company names and their associated NPA-NXXs for which their listing data will be included in the carrier's listing data.
5. Identify any area wide or universal service numbers which may be listed. Identify the telephone number to be provided to callers outside the servicing area.
6. Identify any listing condition(s) unique to the carrier's serving area which may require special handling in data processing in the directory.
7. Indented Listings (Captions) should be identified and delivered handled as specified.

II. LISTING AND PROCESSING REQUIREMENTS: Carriers must provide Subscriber List information in industry standard processing formats, including the following:

1. Information shall be identified and provided as Listed; Non-Listed; and Non-Published. The Listed information shall be made available for all directory requirements; the Non-Listed information shall be available for all directory requirements, but shall not be available for publication in any directory; and Non-Published information shall contain information that confirms, by name and address, the presence of a listing, but the telephone number shall not be provided. Requesting carriers may confirm the address of Non-Published information, but shall not be permitted to receive the non-published telephone number.
2. Information shall be made available in multiple industry standard listing styles, with appropriate captions and section headings, and shall contain appropriate data field elements.
3. Information shall be provided in industry standard data processing formats.

III. DATA PROVISION FREQUENCY: data updates shall be made available on daily and other regularly recurring bases (e.g., weekly; monthly; quarterly; annually).

CERTIFICATE OF SERVICE

I, Sylvia Chukwuocha, hereby certify that a true copy of the foregoing "Comments" was served this 11th day of June, 1996, by hand delivery or first class mail, postage prepaid upon each of the following parties:

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